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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,598	06/23/2000	Kagumi Moriwaki	018775-794	1464

21839 7590 10/24/2003

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EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,598

Applicant(s)

MORIWAKI, KAGUMI

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 11 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 10, 12-14 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

Applicant's election without traverse of species I (fig. 3) in paper No. 7 is acknowledged. The Examiner disagrees with Applicant's grouping of claims with respect to the species I. Here, species I (fig. 3) includes the steps or devices for reading and storing an image in a memory, analyzing the image, displaying results of image analysis and changing GUI, receiving correction parameter set by user, and correcting the image according to the parameter. In contrast, species II (fig. 9) has additional steps or devices for automatically correcting color according to analysis result, displaying image after correction, and then input the correction parameters by user to correct image again, etc. The obvious difference between the species I and species II is that species I does not conduct automatic color correction and only conduct analysis on image data and display the result before a user input (see page 7-8 in specification). Species II will conduct color correction twice. Accordingly, claims 10, 12-14, and 21, which are read on the fig. 3, are now presented for prosecution. Claims 1-9, 11, 15, 16-20 are read on the species II, and, therefore are withdrawn from consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12-14, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5874988 to Gu.

As to claim 10, Gu discloses an image processing method comprising:

analyzing image data to determine a characteristic of the image (figs. 1-5, col.16 lines 28-37);

displaying the characteristic (fig. 1 and 9, histogram) of the image data and a first correction parameter (fig. 5, histogram offset) in correspondence to the characteristic in a screen of a display device (col. 16 line 28+ and col. 22 line 40+);

setting a second correction parameter (fig. 5, color offset) in the screen of the display device by a user (col. 16 line 28+); and

correcting image data with the first correction parameter obtained by the analysis or with the second correction parameter when the user sets the second correction parameter (col. 16 line 28+).

As to claims 12 and 21, the claims are the corresponding computer readable storage medium and image processor claims to claim 10. The discussion are addressed with regard to claim 10.

As to claim 13, Gu further discloses setting the first correction parameter as a default parameter (col. 18, lines 7+, note that the highlight VSR is default until user select another one, thus, the histogram offsets are default parameter).

As to claim 14, Gu further discloses the first correction parameter in correspondence to the characteristic and correction parameters (color offsets) not correspondence to the characteristic are displayed in the screen (fig. 5, note that the color offsets are set by the user).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5012333 to Lee et al., US 5283671 to Stewart et al., US 5506946 to Bar et al., US 6097836 to Inoue, US 6058208 to Ikeda et al., US 6058207 to Tujin et al., and US 5704021 to Smith et al. disclose methods for color correction with user input.

### **Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

